

REMARKS

The Examiner's objections to the drawings are believed to be overcome by the above amendments to the specification where reference numerals have been corrected.

The other amendments to the specification are being made to provide antecedent basis in the specification for terms used in the claims and vice versa and to define in the specification what is clearly shown in the drawings. Applicant's attorney has carefully reviewed these amendments and does not find any of them to be new matter.

The Examiner's rejection of claims 28-40 for being substantial duplicates of some of the preceding claims, as this rejection may be attempted to be applied to the amended and new claims, is respectfully traversed.

In support of this traverse, it is to be noted that claim 28 now claims structure different than the structure claimed in claim 3 and that claims 39 and 40 have been cancelled.

Applicant submits that the amended claims 28-36 are not duplicates of earlier claims such that the Examiner's duplicate claim objection/rejection has been overcome.

The Examiner's rejections of claims 1-3 and 28, under 35 USC § 102 for being anticipated by the Ramirez U. S. Patent No. 6,497,349, or the Uyehara U. S. Patent No. 4,662,552, the Dunstan U. S. Patent No. 5,939,630, the digital picture submitted in an IDS or the Gray-U. S. Patent No. 6,269,990, as these rejections may be attempted to be applied to amended claims 3 and 28, are respectfully traversed.

In support of this traverse applicant points out that the amended claims 3 and 28 call for

"a spring mechanism associated with the detent mechanism for urging the protuberances toward the detent recesses while permitting relative movement between the recess carrying structure and the protuberance structure"

or

"a spring arranged to bear against one of said back cover assembly or said attachment assembly for urging said protuberances toward said detent recesses

while permitting relative movement between said back cover assembly and said attachment assembly".

While the references cited may show a connection between a holder for an elongate member and an attachment assembly that permits one part to be rotated relative to the other part, none of them teach, suggest or disclose a spring mechanism for urging protuberances toward detent recesses while permitting relative movement between a back cover assembly and an attachment assembly, as called for in amended claim 28 and more broadly in amended claim 3.

Accordingly, the amended claims 3 and 28 and the claims dependent thereon are considered to be patentably distinguished over the art and otherwise in condition for allowance.

The Examiner's rejection of claim 15 under 35 USC § 103 for being unpatentable over the digital picture in view of the Matthews U. S. Patent No. 6,497.349, as this rejection may be attempted to be applied to amended claim 15, is respectfully traversed.

By this amendment, applicant has amended claim 15 into independent form.

In support of this traverse, applicant points out that amended claim 15 now calls for

a structure and mechanism within the periphery of a loop portion for releasably locking an insert in place without any of the structure and mechanism extending beyond the periphery of the loop portion.

This is important since a person carrying the baton holder on a belt, such as a police officer, may have other items on the belt, such as a holster for a service revolver, and the adjustable spacer 40 of Matthews, namely, contact portions 47 and 49 and the screw 43 extend beyond the belt loop 36 and clearly provide an obstruction to other belt-carried items.

Applicant's claimed baton holder has a belt receiving loop and structure and mechanism (insert

Accordingly the structure now claimed in claim 15 and the advantages obtained with this structure are in no way suggested by the Matthews adjustable spacer assembly, 40, 43, 47, 49, etc.

The indication of allowable subject matter in claims 4-14 is noted. These claims are dependent directly or indirectly on claim 3.

Claim 16 has been amended into independent form.

Claim 18 is dependent on claim 3 and claims 19-27 are dependent directly or indirectly on claim 18.

Claims 29-35 are dependent on amended claim 28 as are amended and renumbered claims 37 and 38 which are now claims 36 and 37.

Claims 39-42 were found to be redundant claims and have been cancelled.

New claims 47-49 are dependent on amended claim 3, further define the spring mechanism and are believed to be supported by the specification so as not to include new matter.

New claims 50-54 are directed to a baton carrier including a spring member (spring 122) which is connected at one end (opening 128 on post 123) to the baton carrier and forms a baton securing element.

While the Matthews teaches spring retainers 20 and 21 for securing a flashlight in place, Matthews does not disclose or teach a baton securing structure comprising a spring member extending in cantilever fashion from the baton carrier and having at least a portion thereof extending through an opening in the back wall of the baton holder and into the interior chamber.

An earnest endeavor has been made to place the independent claims 3, 15, 16 and 28, as well as the claims dependent thereon and the new claims 47-54, into condition for allowance and an early and favorable action to that end is requested.

Respectfully submitted,
WELSH & KATZ, LTD.

By 
Thomas R. Vigil
Registration No. 24,542

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WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1500
Fax: (312) 655-1501